



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable James C. Justice
Governor of West Virginia
Office of the Governor
1900 Kanawha Boulevard
East Charleston, West Virginia 25305

AUG 17 2018

Dear Governor Justice:

The U.S. Environmental Protection Agency (EPA) is considering proposing the Shaffer Equipment/Arbuckle Creek Area site ("Site"), located in Minden, Fayette County, West Virginia, to the Superfund National Priorities List (NPL), pursuant to authority under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9605. The NPL is a list of priority sites with releases of hazardous substances, pollutants or contaminants that require evaluation for possible remediation. It is EPA's policy to determine the State's position on sites that EPA is considering placing on the NPL. With this letter, EPA is seeking the support of the State of West Virginia on proposing this Site for inclusion on the NPL.

The Site is defined as Shaffer Equipment Company property, the contaminated sediments of Arbuckle Creek and other potential sources of contaminants in the area which may be affecting Arbuckle Creek and surrounding residential properties. From 1970 to 1984, the Shaffer Equipment Company used the Site for building electrical substations for the local coal mining industry. The substations incorporated various types of transformers, capacitors, switches, and related voltage regulation and distribution devices. Oil containing polychlorinated biphenyls (PCBs) was used in the electric transformers and other equipment. The company also stored nonessential, damaged or outdated transformers and capacitors on the site property. Leaks from the equipment, possible spills, and dumping practices appear to have contributed to PCB contamination at the Site. There have been three past EPA response actions at the Shaffer Equipment property to remove and cap contaminated soils.

In early 2017, Minden residents contacted the West Virginia Department of Environmental Protection (WVDEP) and EPA to express their concern about the potential migration of contamination from Shaffer Equipment into the surrounding area. PCBs have been found in sediments of Arbuckle Creek approximately one mile downstream from Shaffer Equipment and in some residential properties adjacent to the creek possibly due to flooding events. Local residents have also provided information on other potential sources of contaminants in the area which were evaluated by EPA during a sampling event conducted the week of June 25, 2018. These results will provide EPA with additional data to determine whether there may be a need for further evaluation or remediation in any of these other areas.



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If there is a subsequent cleanup proposed, EPA will attempt to find a responsible party to fund the cleanup of the property. If no responsible parties are found, EPA will need to finance the cleanup. Prior to any fund-financed remedial action, EPA and the State will collaborate in the development of a Superfund contract to memorialize the assurances required by CERCLA, including but not limited to, commitment of the State's statutory cost share of 10% for the remedial action and assumption of operation and maintenance responsibilities.

EPA is committed to working cooperatively with the State and local communities in an open and transparent manner. With your support, EPA is considering the Shaffer Equipment/Arbuckle Creek Area site for proposal to the NPL in the next update which is projected for Fall of 2018. A written response to this letter from your office is requested by August 24, 2018, indicating whether West Virginia supports placement of the site on the NPL. Adherence to this date is critical to successfully including this Site in the Fall 2018 NPL rule-making process. Your letter of support does not guarantee that the site will be proposed to the NPL; however, it is a major step in the process. We appreciate your consideration of this matter.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Mark Ferrell, EPA's West Virginia Liaison at 304-542-0231. For information regarding the proposed NPL listing, your staff can contact Ms. Karen Melvin, Director, Hazardous Site Cleanup Division, at 215-814-3275.

Sincerely,



Cosmo Servidio
Regional Administrator

cc: Honorable Austin Caperton
Secretary, West Virginia Department of Environmental Protection



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